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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,486	10/27/2003	Stanford C. Stolzenthaler III		1919

7590 08/23/2007
Mr, Stanford C. Stolzenthaler III
5911 Willow Glen Dr.
Baton Rouge, LA 70809

EXAMINER

KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,486

Applicant(s)

STOLZENTHALER, STANFORD C.

Examiner

Wesley L. Kim

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Claim Objections

1. Claims 1 and 2 are objected to because of the following informalities:
 - Claim 1 recites "the invention device" however the examiner believes that "invention device" should be "the device" as evident from the first line of claim 1.
 - Claim 2 recites "claim # 1" however the examiner believes that the "claim #1" should be "claim 1" so that the claim is in appropriate form.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. "the invention device can be unique to each brand and/or model of wireless communication device" is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

The examiner does not see any teaching in the specification which notes that "the invention device can be unique to each brand and/or model of wireless communication device". If the examiner is incorrect, please cite the Page/Column and line where the citation may be found.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claim 1 recites "or other methods radio wave or a combination of any methods". To the examiner this does not provide any metes and bounds as to what methods are possible and therefore the claim is vague and indefinite.

- Claim 1 recites “the attachment system” which seems that the applicant is claiming not only “a device” but additionally an “attachment system”, which is inappropriate. A single claim cannot be claiming both a device and a system, and if this were the case the claim should be made into two different independent claims where one is “a device” and the other an “attachment system”.
- Claim 1 recites the limitation “the attachment system” in claim 1. There is insufficient antecedent basis for this limitation in the claim.
- Claim 1 recites “each brand and/or model of wireless communication device” where and/or is unclear whether the applicant is claiming the phrase “and” or “or”. The applicant should specify which one is to be recited in the claims.
- Claim 2 recites “invention—the device. An interface to which...”. A single claim should begin with a capital letter and end with a period. Periods may not be used anywhere else in the claims except for abbreviations.
- Claim 2 recites “The device of claim #1 may further be comprised of a power source to charge the internal battery of the wireless communication device or power the wireless communication device or invention—the device. An interface to which the wireless communication device is attached...”. A dependent claim, such as claim 2, should further limit the claims of the subject matter claimed and it is clear that in claim 1 a device to notify messages to a wireless communication device by amplification of

the notification signal of the wireless communication device is being claimed. A "power source to charge the internal battery of the wireless communication" is not further limiting the device, since the device is not the wireless communication device and "An interface to which the wireless communication device is attached" is also not further limiting the device. They are both subject matter in a newly established art area. The applicant seems to be claiming multiple inventions within the dependent claims. If this is the case, the claims comprising the newly claimed subject matter should be rewritten into Independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakanoue et al (U.S. Patent 6539241 B1) in view of Yamashita (U.S. Patent 5848362).

Regarding Claim 1, Sakanoue teaches a device to notify of messages to a wireless communication device by amplification of the notification signal of the wireless communication device (Col.1;30-37), comprising of a audio signal, visual signal, or a display screen (Col.1;30-43), comprising: an alerting device (Col.1;36-37, external speaker 55 is an alerting device); a microphone to capture the audio notification signal of the wireless communication device and also the voice of the

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user (Col.1;35, microphone 52); a speaker for producing an alerting sound or message from the wireless communication device (Col.1;36-37, external speaker 55 is an alerting device); the invention device will attach to the wireless communication device by means of plug, pin or wire, contact connection, optical connection or low-power signal connection or other methods radio wave (Col.1;30-43, radio wave connection and wire connection possible) or a combination of any methods; the volume and frequency of the audio signal produced by the invention device may be adjustable (Col.2;59-61), however Sakanoue **is silent on** a light to indicate a message is captured by the wireless communication device; the attachment system between the wireless communication device and the invention device can be unique to each brand and/or model of wireless communication device; a display.

Yamashita teaches of a device, which alerts a user of a call arrival (Col.2;7-11 and Fig.3) and a light indicates that a message is captured by the wireless communication device (Col.4;53-58, alerts user that a message is received) and a display (Col.4;53-58, the LED displays light so it is a display). Sakanoue teaches the attachment system between the wireless communication device and the invention device can be implemented between the invention device and a wireless communication device (Col.1;30-37). The alert device of Sakanoue does not necessarily amplify the notification of a message, however Sakanoue does teach the general concept of relaying a message through another device so that a user may be notified of an incoming call, which is what Yamashita is essentially doing.

Further, to one of ordinary skill in the art, it would be obvious to desire that the invention device is unique to each brand and/or model of wireless communication device for the purpose of providing this message alert capability to any and all wireless communication devices.

To one of ordinary skill in the art, it would have been obvious to modify Yamashita with Sakanoue, such that there is a light to indicate that a message is captured by the wireless communication device; the attachment system between the wireless communication device and the invention device can be unique to each brand and/or model of wireless communication device; a display, to provide a method where the user can visually see the indication of an incoming alert in situations where the user cannot hear the notification and to provide this message alert capability to any and all wireless communication devices.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakanoue et al (U.S. Patent 6539241 B1) and Yamashita (U.S. Patent 5848362) in further view of Yang (U.S. Patent 6555990 B1).

Regarding Claim 2, Sakanoue and Yamashita teaches all the limitations as recited in claim # 1, however the combination does not expressly teach the device to be comprised of a power source to charge the internal battery of the wireless communication device or power the wireless communication device or invention-- the device. An interface to which the wireless communication device is attached, comprising: a light to indicate attachment of the wireless communication device to the alerting device; a light to indicate the invention device has power; the invention

device can be powered by AC current, DC current, or battery; a power connection on the invention device for connection with an outside power source; a transformer in invention the device for reduction said outside power source to provide the appropriate current to power or charge the wireless communication device; a system to terminate charging of the batteries of the wireless communication device when said device is fully charged if the wireless communication device has batteries; a self contained power source for the invention device which can power the invention device when it is not connected to an external power source.

Yang teaches a wireless communication device has an internal battery to be charged (Col.1;43-49). An interface to which the wireless communication device is attached (Fig.2;2), comprising: a light to indicate attachment of the wireless communication device to the alerting device (Col.2;67-Col.3;2); a light to indicate the invention device has power (Col.2;67-Col.3;2); the invention device can be powered by AC current, DC current, or battery (Col.1;14-28); a power connection on the invention device for connection with an outside power source (Col.1;18-20, outlet); a transformer in invention the device for reduction said outside power source to provide the appropriate current to power or charge the wireless communication device (Col.1;22, AC/DC adaptor); a system to terminate charging of the batteries of the wireless communication device when said device is fully charged if the wireless communication device has batteries (Col.3;21-24); a self contained power source for the invention device which can power the invention device when it is not connected to an external power source (Col.1;43-49, internal battery).

To one of ordinary skill in the art, it would have been obvious to modify Sakanoue and Yamashita with Yang such that, the device to be comprised of a power source to charge the internal battery of the wireless communication device or power the wireless communication device or invention-- the device. An interface to which the wireless communication device is attached, comprising: a light to indicate attachment of the wireless communication device to the alerting device; a light to indicate the invention device has power; the invention device can be powered by AC current, DC current, or battery; a power connection on the invention device for connection with an outside power source; a transformer in invention the device for reduction said outside power source to provide the appropriate current to power or charge the wireless communication device; a system to terminate charging of the batteries of the wireless communication device when said device is fully charged if the wireless communication device has batteries; a self contained power source for the invention device which can power the invention device when it is not connected to an external power source, to provide a method of charging and providing power to a wireless communication device so that a user may utilize the phone in times of need and not have to worry about whether or not the batteries are low.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WLK



GEORGE ENG
SUPERVISORY PATENT EXAMINER